

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF VERMONT

U.S. DISTRICT COURT  
DISTRICT OF VERMONT  
FILED

2013 MAY 24 AM 11:12

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ROCK OF AGES CORPORATION,

Plaintiff

v.

HOUSTON CASUALTY COMPANY,

Defendant.

Civil Action No. 5:13-cv-91

**NOTICE OF REMOVAL**

Pursuant to 28 U.S.C. § 1446(a), Defendant Houston Casualty Company ("HCC") files this Notice to remove the above-captioned case to this Court and, in support of removal, respectfully state as follows:

1. HCC is the defendant in a civil action brought on or about April 26, 2013 in the Superior Court of the State of Vermont, Washington Unit, styled Rock of Ages Corp. v.

Houston Cas. Co., Docket No. 257-4-13 (Super. Ct. Washington Unit, Vt.).

2. Counsel for HCC received a courtesy copy of the complaint in this action from plaintiff's counsel on April 29, 2013. HCC served a waiver of service of process of the complaint on May 13, 2013. This Notice of Removal is therefore filed within thirty (30) days of service of the complaint on HCC and is timely filed under 27 U.S.C. § 1446(b).

3. Copies of the complaint, the summons, and the notice of docket number, being all of the papers served upon HCC in this action, are attached hereto as Exhibit A.

4. This is a civil action over which the District Courts of the United States have original jurisdiction pursuant to 28 U.S.C. § 1332, because the parties are citizens of different

states and the amount in controversy exceeds \$75,000, exclusive of interests and costs, in light of the damages sought by the plaintiff Rock of Ages Corporation (“Rock of Ages”).

5. Plaintiff Rock of Ages is a corporation organized and incorporated under the laws of the state of Vermont, and has its principal place of business now and at the time this action was commenced in Graniteville, Vermont.

6. Defendant HCC is an insurance company incorporated in Texas, and has its principal place of business now and at the time this action was commenced in Houston, Texas.

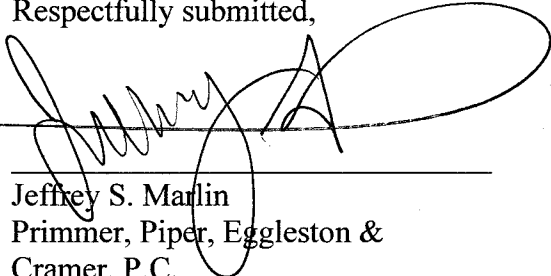
7. In the complaint, the plaintiff Rock of Ages seeks insurance coverage under a policy issued by HCC for loss allegedly incurred by it in connection with alleged claims by shareholders. The amounts that it seeks from HCC include \$183,655.45 paid in settlement, and approximately \$300,000 for attorney’s fees and costs. Thus, the damages at issue in this action exceed \$75,000 exclusive of interest and costs.

8. Removal of this action is therefore proper under 28 U.S.C. § 1441, since it is a civil action brought in a state court, and the district courts of the United States have original jurisdiction over the subject matter under U.S.C. § 1332 because the plaintiff and defendant are diverse in citizenship and the amount in controversy exceeds \$75,000, exclusive of interest and costs.

WHEREFORE, HCC, the only defendant in this action, pursuant to 28 U.S.C. § 1441 and in conformance with the requirements set forth in 28 U.S.C. § 1446(b) and the Rules of the United States District Court for the District of Vermont removes this action for trial from the Superior Court of Vermont, Washington Unit, on this 24th day of May, 2013.

Dated: May 24, 2013

Respectfully submitted,



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